

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Agriculture & Commerce		CONTACT PERSON Adam Choate		TELEPHONE NUMBER (601)359-1116	
ADDRESS P.O. Box 1609		CITY Jackson		STATE MS	ZIP 39215 -1609
EMAIL Adam@mdac.ms.gov	SUBMIT DATE 9/4/2014	Name or number of rule(s): Title 2, Part 1, Subpart 4, Chapter 01 Retail Food Store Sanitation Requirements 100.01			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Updating version of the U.S. Food Code adopted by Mississippi and addition of clarification of "critical" and "non-critical" violations for retail food purposes.
Specific legal authority authorizing the promulgation of rule: *Miss. Code Ann. 69-1-1 et seq.*

List all rules repealed, amended, or suspended by the proposed rule: Section 100.01 Sanitation Requirements

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Andy Prosser, Deputy Commissioner

Signature of person authorized to file rules: _____

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by _____	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <u>20755 AF</u>	<div style="border: 1px solid black; height: 150px; width: 100%;"></div> Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

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ADDRESS: P.O. Box 1609	CITY Jackson	STATE MS
EMAIL Adam@mdac.ms.gov	ZIP 39215-1609	
DESCRIPTIVE TITLE OF PROPOSED RULE Sanitation Regulations 100.01		
Specific Legal Authority Authorizing the promulgation of Rule: Miss Code Ann. 69-1-18	Reference to Rules repealed, amended or suspended by the Proposed Rule: Title 2, Part 1, Subpart 4, Chapter 01 Retail Food Store Sanitation Requirements 100.01	

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:
The purpose of this amendment is to adopt the most recent version of the FDA Food Code, the 2013 FDA Food Code, to replace and supersede the Food Code currently being used by the Department, the 2005 FDA Food Code. The 2013 version represents FDA's best advice for a uniform system of provisions that address the safety and protection of food offered at retail and in food service.
2. Briefly describe the need for the proposed rule:
Many changes have occurred in the areas of food safety, food science, and consumer protection since the 2005 version was released. The 2013 version is a more up-to-date means to prevent foodborne illness and injury and to eliminate the most important food safety hazards in retail and foodservice facilities.
3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:
The proposed action will positively affect public health, safety, and welfare by safeguarding public health and ensuring food is unadulterated and honestly presented when offered to the consumer.
4. Estimated Cost of implementing proposed action:
 - a. To the agency
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - b. To other state or local government entities
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
 - c. Cost:
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - d. Economic Benefit:
☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

6. Estimated impact on small businesses:

☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

- a. Estimate of the number of small businesses subject to the proposed regulation: 2,200
- b. Projected costs for small businesses to comply: \$0
- c. Statement of probable effect on impacted small businesses:
No change.

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than
☒ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than
☐ the same as ☐ minimally more than ☐ moderately more than
☒ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

☐ yes ☒ no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. FDA.gov, MDAC files

D. Public Notice

Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? Written views on the rule may be submitted to the attention of the Regulatory Director at the MS Department of Agriculture & Commerce; P.O. Box 1609; Jackson, MS 39215. The Department will conduct an oral proceeding on this rule if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.

SIGNATURE



TITLE

Deputy Commissioner, MDAC

DATE

9/4/2014

PROPOSED EFFECTIVE DATE OF RULE

10/31/2014